

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

UNITED STATES OF AMERICA,

OCT 2 2024

Plaintiff,

U.S. DISTRICT COURT- WVN
WHEELING, WV 26003

v.

CRIMINAL ACTION NO.: 2:24-CR-39

DAVID WALTER MCCUALEY,

Defendant.

DUE PROCESS PROTECTIONS ACT ORDER
TO ALL COUNSEL REGARDING BRADY OBLIGATIONS

Pursuant to the Due Process Protections Act of 2020, the Court reminds the Government's attorneys that under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, failing to disclose favorable evidence to the accused violates due process where the evidence is material either to guilt or punishment. Further, consequences for a Brady violation can include, but are not necessarily limited to, a vacated conviction and disciplinary actions against the prosecutor.

The Clerk of Court is DIRECTED to transmit copies of this Order to all counsel of record herein.

DATED: 10-2-24


JAMES P. MAZZONE
UNITED STATES MAGISTRATE JUDGE